

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

CV-18-02-BU-BMM

JOHN MEYER,

Plaintiff,

vs.

BIG SKY RESORT; DYNAFIT
NORTH AMERICA,

Defendant.

ORDER

Plaintiff John Meyer (“Meyer”) has filed what he fashions as a motion for a protective order. (Doc. 66.) Meyer is an attorney licensed to practice in the State of Montana and in this District. Meyer has chosen to represent himself in this matter despite the repeated recommendations from the Court that he obtain counsel experienced in personal injury litigation to represent him.

Meyer seeks an order from the Court that would allow his deposition to be recorded and broadcast live through his Facebook account. (Doc. 67 at 2.) Defendants Big Sky Resort (“Big Sky”) and Salewa USA LLC (“Salewa”) (improperly identified on the caption as Dynafit North America) oppose the motion. (Doc. 68 and Doc. 69.)

Meyer argues that the public generally can gain access to litigation documents and information produced during discovery unless party that opposes disclosure demonstrates “good cause” as to why a court should issue a protective order. (Doc. 67 at 2.) Meyer’s request turns the usual procedure on its head. A party typically can seek a protective order once it knows the content of the information that it seeks to protect. The parties do not yet know what information will be revealed during the course of Meyer’s deposition.

Big Sky served Meyer with a notice of deposition on February 1, 2019. (Doc. 67 at 2.) Big Sky has notified Meyer, as is its right, to record the deposition by stenographic and videographic means. Big Sky had set Meyer’s deposition for February 25, 2019. The parties have agreed to continue Meyer’s deposition until after the Court rules on Meyer’s motion.

The video recording of a deposition typically involves the recording of the deponent answering questions rather than the recording of the lawyer asking the questions. Meyer’s motion fails to indicate where he intends to train the camera on his laptop computer that will serve as the transmitting device for his proposed livestream. Counsel for Big Sky has indicated his discomfort at having his image broadcast across Meyer’s Facebook account. The Court will be in a better position to decide this matter once it has reviewed a video recording of Meyer’s deposition.

Meyer may seek to publish the video recording of his deposition after the parties have had the chance to review its content. This approach removes the potential grandstanding concerns raised by Counsel for Big Sky of Meyer's efforts to livestream the deposition. Any party may oppose future efforts to publish Meyer's deposition through a request for a protective order.

ORDER

The Court hereby **ORDERS** that Meyer's motion for a protective order to allow the livestreaming of his deposition through his Facebook account is **DENIED**.

Meyer remains free to seek an order to publish the video recording of his deposition on his Facebook account after the completion of his deposition and the parties have had the chance to review its content to determine whether to seek a protective order.

DATED this 4th day of March, 2019.



Brian Morris
United States District Court Judge